

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**KIMBERLY A. GARZA, and MARTIN
GARZA,**

Plaintiffs,

v.

**ROGER HENSON TRUCKING, and
BRETT MILLER,**

Defendants.

Case No. 7:05CV5001

ORDER OF DISMISSAL

This matter is before the Court on the notice of settlement and dismissal filed by Plaintiffs Kimberly Garza and Martin Garza. (Filing No. 32). I find that the notice complies with the requirements of Fed. R. Civ. P. 41(a)(1)(ii), and that it should be approved.

IT IS ORDERED:

1. The Notice of Dismissal with Prejudice (Filing No. 32) is approved;
2. The Complaint and all claims in this matter are dismissed with prejudice;
3. The parties shall pay their own costs and attorney's fees;
4. The Defendants' Appeal of the Magistrate Judge's Order (Filing No. 26) is denied as moot;
5. The Clerk of the Court is directed to strike Filing No. 33, a duplicate of Filing No. 32, and to strike Filing No. 34 as improperly filed. See Civil Administrative Procedures II.E.2(a)-(e).

DATED this 10th day of July, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge